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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,541	07/10/2003	Jonathan Blossom	OP-001	2815
7590	09/13/2007		EXAMINER	
Kent Suzuki 6722 Aitken Drive Oakland, CA 94611			RADA, ALEX P	
		ART UNIT	PAPER NUMBER	
		3714		
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		09/13/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/616,541	BLOSSOM ET AL.
	Examiner	Art Unit
	Alex P. Rada	3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 July 2007.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

In response to the amendment filed July 13, 2007 wherein applicant submits arguments and claims 1-25 are pending in this application.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9, 12-20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee et al. (US 4,968,255).

Regarding claims 1 and 19-20, Lee et al discloses a first base (figure 1 and abstract; wherein the input cavity, recess means is the base); and a plurality of modules each having an identity (col. 2, lines 56-60; where the indicia disclosure is the plurality of modules each having identity), the base and modules comprising circuitry wherein: when a first module is attached to the first base, and an arbitrary number of modules of the plurality of modules are attached, directly or indirectly, to the first module, the circuitry determines an order and the identities of all attached modules (col. 4, lines 21-28; wherein one mode of the invention includes software which make requests of the operator to spell a given word thus requiring the operator to identify the specific combination of indicia appearing upon particular indicia disclosure means which form the correct spelling of the word and insert the particular combination into the recess means so as to correctly spell that particular word).

Regarding claim 2, Lee et al discloses the arbitrary number is greater than one (col. 4, lines 21-28, for example).

Regarding claim 3, Lee et al discloses wherein any module can be attached to: the first base, or one other module, or the first base and one other module, or two other modules, or the first base and a second base (col. 7, lines 15-19; wherein when more than one answer block is inserted into the input cavities at a given time, the sounds associated with the exposed display faces will be produced in the order in which the associated blocks were inserted into the input cavities).

Regarding claim 4, Lee et al discloses wherein only one module can be directly attached to the first base (i.e., recess means) at a time (col. 4, lines 14-21; wherein another mode of operation the software makes requests of the operator which require the operator to identify specific indicia appearing upon particular indicia disclosure means and requiring the operator to insert particular indicia disclosure means into one of the recess means such that the requested indicia appears upon the exposed side of the indicia disclosure means).

Regarding claim 5, Lee et al discloses wherein more than one module can be directly attached to the first base at a time (col. 4, lines 21-28, for example).

Regarding claim 6, Lee et al discloses wherein the identity of each module is stored within that module (col. 3, lines 21-30).

Regarding claims 9 and 23, Lee et al discloses wherein the identity of at least one module is stored by digital means (col. 3, lines 35-42).

Regarding claim 12, Lee et al discloses wherein the identity of at least one module corresponds to a letter (col. 5, lines 19-48).

Regarding claim 13, Lee et al discloses wherein the identity of at least one module corresponds to a number (col. 6, lines 14-35).

Regarding claim 14, Lee et al discloses wherein the identity of at least one module corresponds to an image (col. 7, lines 11-15).

Regarding claim 15, Lee et al discloses wherein the identity of at least one module corresponds to a word (col. 4, lines 21-28).

Regarding claim 16, Lee et al discloses wherein the identity of at least one module corresponds to a color (abstract).

Regarding claim 17, Lee et al discloses wherein the identity of at least one module corresponds to a sound (col. 7, lines 11-15).

Regarding claim 18, Lee et al discloses wherein the identity of at least one module corresponds to a musical tone (col. 7, lines 3-7).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-8, 10-11, 21-22 and 24-25 rejected under 35 U.S.C. 103(a) as being unpatentable over by Lee et al. (US 4,968,255).

Regarding claims 10-11 and 24-25, Lee et al discloses wherein the digital means of storing the identity of at least one module comprises jumpers or switches (col. 3, lines 42-56); and wherein the digital means of storing the identity of at least one module comprises a memory device (col. 6, lines 56-60). Regarding claims 7-8 and 21-22, Lee et al is silent in regards to the identity of a module

is stored by analog means and the analog means comprise a resistor within the module. It would have been an obvious design choice to provide the identity of the modules being stored by analog means comprising resistors within the module because having an analog means to recognize the identity of a particular or a plurality modules to Lee's digital data would provide the same outcome of recognizing block(s) when inserted into the base to develop and test a preliterate preschool child's associational and coordinational skills.

***Response to Arguments***

5. Applicant's arguments filed July 13, 2007 have been fully considered but they are not persuasive.

Applicant contends that the prior art of does not disclose a first module attached to a base, additional modules which are attached not to the base itself, but to the first module.

The examiner respectfully disagrees. Giving the claims their broadest reasonable interpretation, Lee does disclose a first module attached to the first base and an arbitrary number of modules of the plurality of modules are attached, directly or indirectly to the first module. The answer blocks are inserted into any of the input cavities and a second answer block is inserted in another cavity, which is indirectly attached to the first module via the electrical circuits shown in figure 6. Applicant argues that the second modules being attached to the first block is not positively recited in the claim. The claim merely recites that the other modules are attached directly or indirectly to the first module. Giving the claim it's broadest reasonable interpretation, Lee discloses the second block is indirectly attached to the first module. Applicant's arguments are not commensurate with the scope of the claimed invention. The examiner suggests that applicant positively claim the arbitrary number of modules are attached to the first module and elaborate

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within the claim applicant's definition the modules attached directly or indirectly as defined in the specification.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 571-272-4452. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert E. Pezzuto  
Supervisory Patent Examiner  
Art Unit 3714

APR